UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,193	10/24/2000	Brian Pulito	LOT-2000-0036	1639

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EXAMINER
DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/695,193	PULITO ET AL.
Office Action Summary	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-19* is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-12 and 14-19 are presented for examination.

Claim 13 has been cancelled.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

07/19/2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kozdon et al. (Kozdon) (US 6,240,070) in view of VanDeusen et al. (VanDeusen)

(US 6,598,172 B1).

Regarding claim 1, Kozdon teaches in a server process executing at a node on a

computer network and operatively couple over the computer network to one or more

client processes, selected to the client processes capable of transmitting an active

stream of audio packets to the server process, selected of the client processes capable

of receiving data from a single source (e.g., see fig. 2), a method for enabling audio

conferencing (e.g., see abstract) comprising:

establishing a point-to-point communication connection with selected of a

plurality of the client processes (e.g., see fig. 2 col. 3 lines 1-18);

identifying at least a first of the selected client processes which is transmitting an

active stream of audio packets (e.g., see abstract and col.6 lines 53-65);

retransmitting the modified packets of the active stream of audio packets to

others of the plurality of clients processes (e.g., see col. 3 lines 1-37).

Kozdon does not explicitly teach modifying one of the timestamp and source

identifier of the packet headers in the active stream of audio packets.

VanDeusen teaches modifying one of the time stamp and source identifier of the

packets headers in the active stream of audio packets (col. 2 lines 9-12 and col. 4 line

23-col. 5 line 38). It would have been obvious to one having ordinary skill in the art at

the time the invention was made to have utilized modifying step of VanDeusen in the

process of modifying audio packets in Kozdon because such modifying step would

enable the time stamps of the audio packets to be adjusted in order to compensate for

any differential between the encoding and decoding clocks (VanDeusen, col. 5 lines 30-

33).

Regarding claim 4, a computer program product of claim 4 has a corresponding

method of claim 1; therefore, claim 4 is rejected under the same rationale as applied to

claim 1.

Regarding claim 10, an apparatus of claim 10 has a corresponding method of

claim 1; therefore, claim 10 is rejected under the same rationale as applied to claim 1.

3.   Claims 2, 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of VanDeusen et

al. (VanDeusen) (US 6,598,172 B1) in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 2, Kozdon-VanDeusen does not explicitly teach identifying at

least a first of the selected client processes which is transmitting an active stream of

video packets. However, Bruno teaches identifying at least a first of the selected client

processes which is transmitting an active stream of video packets (e.g., see abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine the identifying step in the combination of teachings

of Kozdon and VanDeusen as taught by Bruno because such identifying step would

enable the multimedia participants to visually identify the presently talking end-user.

This would expand the functionality of an analog voice-only non-H.320 compatible

endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 3, Kozdon-VanDeusen-Bruno teaches modifying one of the

timestamp and source identifier and sequence number of the packet headers in the

active stream of packets (VanDeusen, col.. 5 lines 27-35); and retransmitting the

modified packets of the active stream of packets to others of the plurality of client

processes (Kozdon, col. 3 lines 1-37).

Regarding claim 5, Kozdon-VanDeusen does not explicitly teach identifying at

least a first of the selected client processes which is transmitting an active stream of

video packets. However, Bruno teaches identifying at least a first of the selected client

processes which is transmitting an active stream of video packets (e.g., see abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine the identifying step in the combination of teachings

of Kozdon and VanDeusen as taught by Bruno because such identifying step would

enable the multimedia participants to visually identify the presently talking end-user.

This would expand the functionality of an analog voice-only non-H.320 compatible

endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 6, Kozdon-VanDeusen-Bruno teaches modifying one of the

timestamp and source identifier and sequence number of the packet headers in the

active stream of packets (VanDeusen, col.. 5 lines 27-35); and retransmitting the

modified packets of the active stream of packets to others of the plurality of client

processes (Kozdon, col. 3 lines 1-37).

Regarding claim 11, Kozdon-VanDeusen does not explicitly teach identifying at

least a first of the selected client processes which is transmitting an active stream of

video packets. However, Bruno teaches identifying at least a first of the selected client

processes which is transmitting an active stream of video packets (e.g., see abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine the identifying step in the combination of teachings

of Kozdon and VanDeusen as taught by Bruno because such identifying step would

enable the multimedia participants to visually identify the presently talking end-user.

This would expand the functionality of an analog voice-only non-H.320 compatible

endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 12, Kozdon-VanDeusen-Bruno teaches modifying one of the

timestamp and source identifier and sequence number of the packet headers in the

active stream of packets (VanDeusen, col.. 5 lines 27-35); and retransmitting the

modified packets of the active stream of packets to others of the plurality of client

processes (Kozdon, col. 3 lines 1-37).

3.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon in

view of VanDeusen in further view of Foster et al (Foster) (US 6,466,550).

Regarding claim 7, Kozdon teaches a computer data signal embodied in a carrier

wave comprising:

a program code for establishing a point-to-point communication connection

between a server process and a plurality of client processes (e.g., see fig. 2 col. 3 lines

1-18), selected of the client processes capable of transmitting a stream of audio packets

to the server apparatus (e.g., see fig. 2);

program code for identifying at least a first of the selected plurality of client

processes which is transmitting a stream of active audio packets (e.g., see abstract and

col.6 lines 53-65); and

program code for retransmitting the modified packets of the active stream of

active packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37).

Kozdon does not explicitly teach a packet header and modifying one of the

header fields as claimed.

VanDeusen teaches program code for modifying one of the time stamp and

source identifier of the packet headers in the active stream of audio packets (e.g., see

col. 15 lines36-40 and col. 19 lines 3-4).

Foster teaches each packet having a packet header including a time stamp,

source identifier and sequence number associated with the packet (e.g., see col. 6 lines

25-46).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the teaching of Kozdon with the teachings of VanDeusen

and Foster because such modifying header field would enable the time stamps of the

audio packets to be adjusted in order to compensate for any differential between the

encoding and decoding clocks (VanDeusen, col. 5 lines 30-33).

4.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kozdon in view of VanDeusen in view of Foster in further view of Bruno et al (Bruno)

(6,020,915).

Regarding claim 8, the combination of teachings of Kozdon, VanDeusen and

Foster does not explicitly teaches identifying at least a first of the selected client

processes which is transmitting an active stream of video packets. However, Bruno

teaches identifying at least a first of the selected client processes which is transmitting

an active stream of video packets (e.g., see abstract). Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the invention was made to

combine the identifying step in the combination of teachings of Kozdon, VanDeusen and

Foster as taught by Bruno because such identifying step would enable the multimedia

participants to visually identify the presently talking end-user. This would expand the

functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines

21-22).

Regarding claim 9, Kozdon-VanDeusen-Foster-Bruno teaches modifying one of

the timestamp and source identifier and sequence number of the packet headers in the

active stream of packets (VanDeusen, col.. 5 lines 27-35); and retransmitting the

modified packets of the active stream of packets to others of the plurality of client

processes (Kozdon, col. 3 lines 1-37).

Allowable Subject Matter

5.   Claims 14-19 are allowed.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-12 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
October 26, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER